

Minutes of the Board of Adjustment meeting held on Monday, January 13, 2014, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Tom Halliday, Vice-Chair
Preston Olsen
Rosi Haidenthaller
Roger Ishino
Chad Wilkinson, Community Development Manager
Brad McIlrath, Assistant Planner
G.L. Critchfield, Deputy City Attorney
Citizens

Excused:

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Travis Nay explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

APPROVAL OF MINUTES

Mr. Ishino made a motion to approve the minutes from November 18, 2013 as submitted. Mr. Halliday seconded the motion.

A voice vote was made. The motion passed, 5-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1482 – SHAUN DENNERY – 4630 South Creekview Circle – Project #13-198

Shaun Dennerly was the applicant present to represent this request. Brad McIlrath reviewed the location and request for a side yard setback variance to the minimum side yard setback and total side yard setback in order to construct an addition to the main dwelling. The variance request is for the property addressed 4630 S. Creekview Circle, which is in the R-1-8 zoning district. Murray City Code Section 17.100.080 B. Side Yard: "The minimum depth of one of the side yards of a residential dwelling is eight feet (8'), and the total width of the two (2) required side yards shall be not less than twenty feet (20')." The applicant is requesting a 1.83 foot setback variance to the minimum side yard setback and a one-half (½) foot setback variance to the total side yard setback for the existing main dwelling and a proposed addition. The main dwelling is seven feet five inches (7'5") from the west property line and therefore does not meet the minimum side yard setback standard. Without the proposed addition, the main dwelling will still meet the total side yard setback standard of 20 feet because the east side yard setback is 13 feet. Since the existing structure does not meet the minimum side yard setback of 8 feet on the west, the main dwelling is nonconforming but the use may continue as outlined in municipal code section 17.52.080. Any expansion of a nonconforming use or structure that does not meet the minimum zoning district standards may only be allowed by the granting of a variance. The applicant is proposing a setback of six feet two inches (6'2")

from the west property line. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, staff recommends approval with conditions.

Shaun Dennery, 4630 Creekview Circle. Mr. Nay asked Mr. Dennery if he has reviewed the staff report. Mr. Dennery responded in the affirmative.

Ms. Haidenthaller asked Mr. Dennery if most of the space shown is storage space. Mr. Dennery responded in the affirmative. Mr. Dennery stated that the plans are to add a master bedroom. He stated there are three smaller bedrooms in the existing structure, the biggest area of that will be a master bedroom. Mr. Dennery stated he is also planning to create a larger closet because there isn't a lot of closet space in the existing house. There will be an added bathroom and utility closet.

Ms. Haidenthaller asked if this property is up high enough to be out of the flood plain. Mr. Dennery responded in the affirmative. He stated that the creek had flooding issues two or three years ago. He stated that he had stacked sandbags five high to help with the flooding. The structure is one level with a large crawl space and during the times of a flood Mr. Dennery stated that he does pump water out of his basement. Mr. Dennery stated that he plans to keep the home one level and keep the existing crawl space and making sure that he is prepared for flooding.

Mr. Halliday asked Mr. Dennery if the flooding a few years ago affected his yard, or were the sandbags continued along the neighbors sandbag line. Mr. Dennery stated that he continued the sandbags along the neighbors line; and that a few years ago there was tampering with flood gates above them.

Mr. Nay opened the meeting for public comment. No comments were made by the public and public comment was closed.

Ms. Haidenthaller made a motion to approve this application as presented by staff with the condition that the applicant obtain the plans and approval prior to construction. Mr. Ishino seconded the motion.

Call vote recorded by Brad McIlrath.

A _____ Preston Olsen

A _____ Rosi Haidenthaller

A _____ Tom Halliday

A _____ Travis Nay

A _____ Roger Ishino

Motion passed, 5-0.

Mr. Nay called for a motion for the Findings of Fact.

Mr. Ishino made a motion to approve the Findings of Fact as written. Mr. Halliday seconded the motion.

A voice vote was made. The motion passed, 5-0.

CASE #1483 – VERIZON WIRELESS – 6380 South Highland Drive – Project #14-03

Nefi Garcia was the applicant present to represent this request. Chad Wilkinson reviewed the location and request an expansion on a legal non-conforming communications facility located at the property addressed 6380 South Highland Drive. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The applicant is requesting Murray Board of Adjustment approval for an expansion on a legal non-conforming communications facility which was approved and constructed in Salt Lake County prior to annexation of this property into Murray City. The applicant is requesting Board of Adjustment approval for an expansion to replace three antennas that are four feet high with three antennas that are six feet high and add three booster boxes. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion of a nonconforming use. Therefore, staff recommends approval subject to conditions.

Nefi Garcia, 5710 S Green Street, stated he is representing the applicant Verizon Wireless. Mr. Nay asked Mr. Garcia if he had a chance to review the staff report. Mr. Garcia stated he has reviewed the staff report and agrees with conditions.

Mr. Halliday asked Mr. Garcia if the pole is purely Verizon or will it be shared with other carriers. Mr. Garcia stated that the pole is shared, AT&T is the anchor tenant and a few years ago, Verizon patched in on the pole to be the second carrier on the facility. Mr. Halliday asked if there are anticipated continued upgrades for this facility. Mr. Garcia stated that technology is always changing so there most likely will be upgrades.

Mr. Nay asked if the antennas are the central antenna in each of the three vectors. Mr. Garcia stated that they are the lower vectors.

Mr. Nay opened the meeting for public comment.

Ken McCleary, 1723 E 6400 S, stated that he has the business building just west of the canal. He stated that he spoke with Brad McIlrath from staff, and was questioning the dotted line on the plans sent to the neighboring property owners. He stated that he didn't get a clear definition of what that dotted line meant. Mr. Wilkinson clarified that the dotted line is a GIS layer file and represents the location of the canal. Mr. Nay clarified that the line wasn't any additional equipment that is being added. Mr. Wilkinson responded in the affirmative, and indicated that the dotted line is simply a staff map that was created from the notice. He explained that GIS is a computer mapping system that is used with a layer that represents the canal. Mr. McCleary stated that if there is any construction on that canal bank, on his property, he would be opposed to the project. Mr. McCleary stated that he owns a nice office building that looks down on this property that isn't very pleasant to look at. Mr. McCleary is opposed to anything that will block the view of the mountains. Mr. McCleary stated that he owns that part of the canal, he stated that he has fought this issue multiple times and he will not fight it again.

Mr. Nay closed the public comment portion of the meeting.

Mr. Halliday made a motion to approve this based on staff's findings. Mr. Olsen seconded the motion.

Call vote recorded by Brad McIlrath.

A _____ Preston Olsen
A _____ Rosi Haidenthaller
A _____ Tom Halliday
A _____ Travis Nay
A _____ Roger Ishino

Motion passed, 5-0.

Ms. Haidenthaller made a motion to approve the Findings of Fact as written. Mr. Ishino seconded the motion.

A voice vote was made. The motion passed, 5-0.

ELECTION OF OFFICERS FOR 2014

Ms. Haidenthaller made a motion that Mr. Halliday be nominated to be the chair for 2014. Mr. Ishino seconded the motion.

A voice vote was made. The motion passed, 4-0. Mr. Halliday abstained from voting.

Mr. Halliday made a motion that Ms. Haidenthaller be nominated to be the vice-chair for 2014. Mr. Olsen seconded that motion.

A voice vote was made. The motion passed, 4-0. Ms. Haidenthaller abstained from voting.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development